

Michigan United Conservation Clubs

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Conserving, Enhancing and Protecting Michigan's Natural Resources and Outdoors Heritage since 1937.



April 26, 2012

Senate Committee on Natural Resources, Environment and Great Lakes
Senator Tom Casperson, Chair
RE: MUCC Concerns re: SB 1052

Dear Chairman Casperson and Members of the Committee:

Thank you for taking the time to consider our concerns regarding Senate Bill 1052.

The citizens of Michigan have long had the ability, and many would say the right, to access and walk the shoreline of the Great Lakes for their personal recreation and enjoyment. It has become a part of living in Michigan.

We are concerned that certain sections of SB 1052 containing general and broad language could have an extremely negative effect on public access to shorelines by allowing for the creation of fences or structures that would prevent pedestrian passage along the coast, would create confusion as to the public's right of access, and would create an antagonistic relationship between riparian owners and the public, resulting in more litigation.

Past cases have made it clear that public access was allowed lakeward of the ordinary high water mark. This meant that the public was free to access and walk areas between the water's edge and the ordinary high water mark as the mark was detailed in statute.

The bill sections that take out the definition and references to the ordinary high water mark and inserts in its place the "water's edge" as a boundary (Sec. 32502), and the section clarifying that riparian land owners have the right to "otherwise maintain land above the water's edge" (Sec. 32512(2)) could be construed as being allowed to keep pedestrians off of any part of the shore, except the water.

Our concern is that this language would lead to confusion as to the public's ability to walk along the shoreline without structural impediments, without being forced into the water, and without harassment or threat of legal action.

Michigan is a very unique place in the world and contains more freshwater shoreline than any place in the world. We hope the committee will agree that the public's ability to enjoy and walk that shoreline should be protected.

Please feel free to contact me if you have any questions or would like to discuss further thoughts and suggestions.

Sincerely,

Kent Wood
Legislative Affairs Manager